

## WATER COUNCIL MEETING

NH Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

November 9, 2011  
9:00 a.m.

**Members present:** Chairman Gilbert, Councilors Butler, Densberger, Henderson, Hinds, Hoyt, Lyons, Rastallis, Rawnsley, and Varotsis

**Members absent:** Councilor Gosse

Chairman Gilbert called the meeting to order at 9:00 a.m.

### 1. Approval of Minutes of October 12, 2011 Meeting

- *Motion made by Councilor Varotsis to approve the minutes, second by Councilor Butler. Motion passed unanimously.*

### 2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

#### I. New Appeals

#### II. Previously pending cases.

#### Docket No. 07-19 WC – Presby Environmental, Inc.

Re: 7/18/07 Innovative-Alternative Technology Approval, No. 2007-01-0eci/11.

Presiding Officer: To be assigned.

Decision and Order on Notice of Appeal was issued on 9/28/11.

- *Councilor Rawnsley made a motion to grant the Motion for Rehearing and/or Reconsideration, second by Councilor Lyons. Motion passed unanimously with Councilor Hinds abstaining.*

Discussion was held. A hearing will be scheduled for January 11, 2012.

#### Docket No. 08-54 WC - Loretta Simonds

RE: 8/8/08 Decision on Request for Reconsideration

Presiding Officer: Christopher Rawnsley

Status: Hearing scheduled for November 9, 2011 at 10:00 a.m. per the Pre-Hearing Order(PHO). Appeal withdrawn by email dated October 17, 2011.

#### Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08

Presiding Officer: Christopher Rawnsley

Status: Hearing is schedule for December 14, 2011 at 10 a.m. per the PHO. Decision on Pending Motions was issued August 1, 2011. September 15, 2011 received Assented-To Motion to Enlarge Time to file written stipulations. Decision on Motion to Enlarge Time was issued on October 25, 2011 and mailed on October 26, 2011. November 28, 2011 is the deadline for filing written stipulations.

**Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)**

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag

Presiding Officer: Christopher Rawnsley

Status: Received status report from appellant on 8/4/11. Received status report from DES on 8/10/11. PO issued Order on Request to Continue Stay on 10/7/11. The Stay is in effect until at least 30 days after NHDES has rendered a final decision on Alteration of Terrain Permit Application AoT 110809-097.

**Docket No. 10-25 WC – Robert Van Dyke and Van Dyke Construction, Inc.**

RE: October 25, 2010 Administrative Order No. 10-042 WD

Presiding Officer: Steve Densberger (assigned by AGO).

Recused: Deborah Hinds

Status: A PHC was held on October 26, 2011 at 9 a.m., notice sent on July 26, 2011.

Appellant will withdraw appeal once finalized settlement agreement is complete.

**Docket No. 11-05 WC – Town of Hooksett and Hooksett Sewer Commission**

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD

Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: On May 11, 2011 the Council voted unanimously to accept appeal. No action required until requested by the parties. Sent Status request October 18, 2011, asking for a response by Nov. 9, 2011. Received status on Nov. 9, 2011. DES and the town request that the Council continue to delay taking action on the Notice of Appeal.

**Docket No. 11-08 WC David Riley, et al.**

Re: Lake Waukegan Final Operating Level

Presiding Officer: Christopher Rawnsley(confirmed by AGO).

Recused: Carol Henderson

Status: Hearing scheduled for February 8, 2012 at 9 a.m. per PHO, notice given on September 14, 2011. Received 8 Petitions to Intervene for 13 people on September 14, 2011. September 19, 2011 received Partial Objection to 8 Petitions to Intervene. PO issued decision on 23 Petitions to Intervene. Council to act on 8 Petitions to Intervene and Partial Objection. PO to issue decision on Petitions to Intervene.

- ***Councilor Rawnsley made a motion to grant intervenor status conditioned on their combining all actions with the other interveners so that they are acting as one party, second by Councilor Hinds. Motion passed unanimously with Councilor Henderson abstaining.***

III. Decision and Orders that need to be written, finalized and issued.
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**Docket No. 09-24 WC – Lake Sunapee Protective Association**

RE: 4/16/09 Alteration of Terrain Permit WPS-8382

Presiding Officer: Stephen Densberger

Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie

Status: Oct. 12, 2011 Decision and Order was adopted by the Council and issued, order was mailed on October 13, 2011.

**IV. Misc.****Docket No.07-17 WC Ross Realty Trust and Tippee Canoe Campground**

Re; 07-17-07 Administrative Order No. 07-024 WD

Presiding Officer:

Status: Appeal received 8/15/07. At Sept. 12, 2007 meeting Council denies the request for hearing. No record of that denial ever being issued. According to the DES Program, the AO has been released and the work done. There is a question about this appeal as to whether it was withdrawn when they appealed to the Wetlands Council. Appeals clerk is trying to make contact with appellant's attorney for more information.

Paula will send to the Council the spreadsheet she has with the status of all old files.

**3. Other Business**

Chairman Gilbert

Water Sustainability Commission – at the last meeting there were presentations from other water related commissions to get a sense of what they have been doing and their recommendations for implementations. This month is in regards to distribution of water infrastructure around the state. Will look at forecasted demographics of where there will be settling in the next 25 years. December they will be discussing climate change and its effect. They met with Governor and he will participate in some of the public settings and to help raise understanding and implications

Council Chairs met with the Commissioner Burack regarding processes and issues in October. This was the first time all chairs met together. The AG providing hearings officers was discussed. Gretchen Hamel also gave a handout of what the lines of engagement for the Water Division and the Water Council are as to responsibilities. Councilor Gilbert asked for any comments from the council by the next meeting.

Original Draft Decision of Lake Sunapee will be discussed in December.

**4. Legislative Update**

Director Stewart

He reviewed the 2 documents distributed regarding upcoming 2012 proposed water related legislation: 1) a summary of bills that affect water programs specifically and 2) a list of all bills DES is watching.

**5. Next Meeting**

December 14, 2011 at 9 a.m. with Eric Waleryszak, Brian and Adela Griset Appeal hearing at 10 a.m.

**6. Adjournment**

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Densberger. Motion passed unanimously.***

Meeting was adjourned at 9:56 a.m.